

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

Bill No. 06-44

Introduced by: Council Member Guthrie

Legislative Day No. 06-30 Date: December 19, 2006

AN ACT to repeal and reenact, with amendments, Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the Harford County Code, as amended; to clarify that certain school adequacy standards are to be determined based on the capacity of school facilities which are open and operational and generally relating to school adequacy standards.

By the Council, December 19, 2006

Introduced, read first time, ordered passed and public hearing scheduled

on: January 16, 2007

at: 7:00 p.m.

By order: \_\_\_\_\_, Council Administrator

PUBLIC HEARING

Having been passed and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 16, 2007, and concluded on January 16, 2007.

\_\_\_\_\_, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

1 Section 1. Be It Enacted By the County Council of Harford County, Maryland, that  
2 Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article  
3 XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of the  
4 Harford County Code, as amended, be, and it is hereby, repealed and reenacted, with  
5 amendments, to read as follows:

6 Chapter 267. Zoning.

7 Part 6. Growth Management.

8 Article XXI. Public Facilities.

9 Section 267-104. Adequate public facilities.

10 B. Adequacy standards (minimum acceptable level of service).

11 (2) Residential development. Approval of residential subdivision plans and site plans for  
12 multi-family development shall be subject to findings of adequate capacity based on the  
13 standards set in this subsection, and the current and projected use level described in the  
14 annual growth report:

15 (a) Schools

16 (1) Preliminary approval. Preliminary subdivision plans exceeding five lots  
17 and site plans for multi-family residential developments exceeding five dwelling units  
18 shall not be approved at locations where either of the following conditions exists:

19 (a) The enrollment at the elementary school which serves the site is greater  
20 than 105% of the rated capacity, or is projected to be greater than 105% within 3 years; or

21 (b) The enrollment of either the middle school or high school which serves the  
22 site is greater than 105% of the rated capacity or is projected to be greater than 105%  
23 within 3 years.

1       (2) WHEN DETERMINING WHETHER THE CURRENT ENROLLMENT  
2 FOR A SCHOOL SERVING THE SITE IS GREATER THAN 105% OF THE RATED  
3 CAPACITY AS REQUIRED UNDER PARAGRAPHS (2)(a)(1)(a) AND (b) OF THIS  
4 SUBSECTION, ONLY THAT CAPACITY WHICH EXISTS BASED ON SCHOOL  
5 FACILITIES WHICH ARE OPEN AND OPERATIONAL WITH STUDENTS IN  
6 ATTENDANCE SHALL BE CONSIDERED FOR PURPOSES OF GRANTING  
7 APPROVAL OF PRELIMINARY SUBDIVISION PLANS AND SITE PLANS.

8 [(2)] (3)       Conditional review. If Paragraphs (2)(a)(1)(a) or (b) of this subsection  
9 prevent approval of a preliminary subdivision plan or a site plan, the Department of  
10 Planning and Zoning may proceed with conditional review of the plan and place it on a  
11 waiting list arranged by date of completion of the review. Record plats, grading permits,  
12 and public works agreements for utilities or roads shall not be executed by the county  
13 until the plan for the project is removed from the waiting list and preliminary approval is  
14 granted. Removal from the waiting list shall occur only when the condition that prevented  
15 approval under Paragraphs (2)(a)(1)(a) or (b) of this subsection no longer exists.

16 [(3)] (4)       Exemptions. The provisions of this subsection shall not apply to transient  
17 housing, housing for the elderly and continuing care retirement communities.

18 [(4)       Grandfathering. The provisions of this section concerning the adequacy of schools  
19 shall not apply to those developments which, as of the effective date of Bill No. 91-70  
20 (4/6/92), have an approved preliminary plan.]

21 Section 2.       And Be It Further Enacted, that this Act shall take effect 60 calendar days  
22 from the date it becomes law.

EFFECTIVE:

*The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.*

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*Council Administrator*

**FAILED**